

REMARKS:

In the Office Action dated January 15, 2003, all of the pending claims, claims 1-10 and 14-20, were finally rejected. The claims were rejected under Section 103(a) over the combination of Puhl, Harris, and Davis.

Responsive to the rejections of the claims, claims 1 and 15 have been further amended, as set forth herein in manners believed to recite more clearly the inventive features of the present invention. Recited as now amended, the claims are believed to be patentably distinguishable over the cited combinations used against the claims.

None of the references are, alone or in combination, disclose an apparatus including a downloading controller as now recited. No disclosure is made of a downloading controller in any of the references of the cited combination that effectuates a first communication link between the recipient and provider terminals, that determines whether an indicia creditworthiness is beyond the threshold, that causes downloading of the content by way of a first communication link, and that causes formation of a second communication link with a payment account deposit toward to permit effectuation of debiting. Similarly, none of the references, alone or in combination provide for the steps of forming, determining, downloading, removing, forming, and debiting, as now recited in claims 15.

The Examiner acknowledges that Puhl fails explicitly to disclose termination of a connection between a provider terminal and a recipient terminal and initiating a new communication between the recipient terminal and a payment/license server. The Examiner relies upon Davis to show this.

Davis, however, also fails to disclose such structures or corresponding method. That is to say, David fails to disclose the downloading controller recited now in amended claim 1. No downloading controller, or other device, is disclosed in Davis for permitting effectuating of the first communication link between the provider and recipient terminals, such devices forming peer devices. No downloading controller is disclosed in Davis, embodied at the recipient terminal, that determines whether a credit payment indicator indicates credit worthiness beyond a selected threshold. No downloading controller is disclosed in Davis that downloads content to the recipient terminal from a peer-device provider terminal. And, no downloading controller is disclosed in Davis that, thereafter, causes effectuation of the second communication link with a payment account depository to permit effectuation of payment hereto.

Accordingly, no combination of the references can be formed to create the invention recited now in claim 1 or corresponding method in claim 15.

Remaining ones of the dependent claims are believed to be patentably distinguishable over the cited combination of references for the same reasons as those given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1 and 15, as now amended, together with the remaining one of the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of all such claims is respectfully requested.

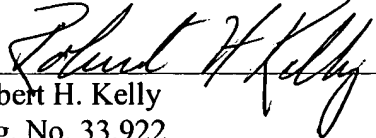
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Respectfully submitted,

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